

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

JOHNNY E. SCOTT,

Petitioner,

v.

**CIVIL ACTION NO.: 3:15-CV-2
(GROH)**

FCI GILMER and WARDEN J. PERDUE,

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge John S. Kaull. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Kaull for submission of an R&R. Magistrate Judge Kaull filed his R&R on March 17, 2015. ECF 9. In that filing, he recommends that the Court dismiss the petition for habeas corpus filed pursuant to 28 U.S.C. § 2241 [ECF 8] with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir.

1984). Objections to Magistrate Judge Kaull's R&R were due within fourteen days of being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The record reflects that service was accepted on March 22, 2015. No party has filed objections to the R&R. Accordingly, this Court will review the R&R for clear error.

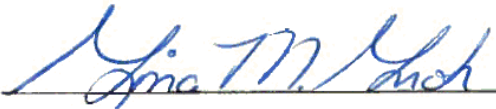
Upon careful review of the R&R, it is the opinion of this Court that the magistrate judge's Report and Recommendation should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, the Court **DENIES** and **DISMISSES** the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 **WITH PREJUDICE**.

The Court **DIRECTS** the Clerk to enter judgment in favor of the Respondents.

The Court further **DIRECTS** the Clerk to close this case and strike it from this Court's active docket.

The Clerk is directed to transmit copies of this Order to all counsel of record and the *pro se* Petitioner.

DATED: April 14, 2015


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE